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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 THE CITY AND COUNTY OF SAN
16 FRANCISCO, CALIFORNIA and THE
PEOPLE OF THE STATE OF
17 CALIFORNIA, Acting by and through San
Francisco City Attorney DAVID CHIU,

18 Plaintiffs,

19 v.

20 PURDUE PHARMA L.P., et al.

21 Defendants.
22

Case No. 3:18-cv-07591-CRB-JSC

**PLAINTIFFS' REPORT REGARDING
STATUS OF LITIGATION**

Pursuant to the Court’s June 5, 2024, Order (ECF 1639), Plaintiffs the City and County of San Francisco and the People of the State of California, acting by and through San Francisco City Attorney David Chiu (“Plaintiffs”), submit this report regarding the status of the litigation.

As previously reported and memorialized in filed settlement agreements and consent decrees, Plaintiffs have resolved their case against all of the defendant groups that went to trial—namely, the Allergan Defendants (ECF 1632), the Teva Defendants (including Anda) (ECF 1634), and Walgreens (ECF 1638). The total value of the three settlements is approximately \$288 million, which is being paid on the schedules outlined therein. Prior to trial, Plaintiffs had also reached resolution with the AmerisourceBergen, Cardinal Health, McKesson, and Johnson & Johnson Defendants in settlements worth approximately \$61 million.

The only Defendants named in the Amended Complaint with whom Plaintiffs have not yet settled are stayed as part of various bankruptcy proceedings, including those involving the Purdue, Endo,¹ Mallinckrodt, and Insys entities, as well as members of the Sackler family, who are also individually named defendants in this action. Of note, the scope of the releases applicable to the Sackler defendants in the Purdue bankruptcy settlement is the subject of an appeal currently pending before the United States Supreme Court. A decision on the issue is expected this month.

While litigation against the Sackler defendants was stayed as part of the Purdue bankruptcy (ECF 1293), the Sackler defendants themselves have not filed for bankruptcy. Consequently, if the Supreme Court’s decision ultimately lifts the stay against the Sacklers, Plaintiffs’ claims against them would be reactivated. Plaintiffs respectfully request an additional sixty days to evaluate the forthcoming opinion and propose next steps in a further status report.

Finally, additional data has become available that may cause Plaintiffs to seek leave to add new defendants. Specifically, Judge Polster recently required the disclosure of updated ARCOS information from the DEA for the years 2015-2019 and has lifted the moratorium on filing motions for leave to amend the complaints pending in MDL 2804. The Plaintiffs Executive

¹ Plaintiffs reached a settlement with Endo and subsequently dismissed the case against them. ECF 1577. Unfortunately, Endo filed for bankruptcy before making any payments under the agreement, and Plaintiffs expect that any potential recovery from Endo will likely come through those bankruptcy proceedings.

Committee is analyzing the data to determine whether there is good cause to add any defendants by the July 22, 2024, amendment deadline imposed by Judge Polster. Once that analysis is complete, Plaintiffs will determine whether any such motion would also be appropriate in the context of this case. Plaintiffs expect to provide an update on this issue, too, in a supplemental status report on or before August 12, 2024.

DATED: June 13, 2024

Respectfully submitted,

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